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Our File Number: 16463-95
Your File Number: **U.S. Application 10/769,761**
Date: December 12, 2007
Time: 9:55 a.m.
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From: Terrence N. Kuharchuk
Registration No. 34, 999
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Serial No.: **10/769,761**
Assignee/Applicant: Halliburton Energy Services, Inc.
Inventor: Edward James Cargill
Filing Date: February 3, 2004
Priority Date: May 2, 2000
Title: **SEAL ASSEMBLY FOR LIMITING THE MOVEMENT OF A SEAL
WITHIN A SEAL HOUSING**
Group Art Unit: 3673
Confirmation No.: 8914
Examiner: Alison K. Pickard
Entity Status: Large Entity
Our Docket: 16463-95 (was 58029-13C)

Transmission of:

1. "Paper" in Response to Notification of Non-Compliant Appeal Brief dated November 16, 2007, pursuant to 37 C.F.R. 41.37;
2. An authorization to charge any and all required fees in connection with the filing of this Paper to our Deposit Account No. 500748 in the name of Emery Jamieson LLP.

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DEC 12 2007**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE HONORABLE BOARD OF PATENT APPEALS


Serial No.: **10/769,761**
Assignee: **Halliburton Energy Services, Inc.**
Inventor: **Edward James Cargill**
Filing Date: **February 3, 2004**
Priority Date: **May 2, 2000**
Title: **SEAL ASSEMBLY FOR LIMITING THE MOVEMENT OF A SEAL
WITHIN A SEAL HOUSING**

Group Art Unit: **3673**
Confirmation No.: **8914**
Examiner: **Alison K. Pickard**
Entity Status: **Large Entity**
Our Docket: **58029-13C (now 16463-95)**

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted via **571-273-8300** (centralized facsimile number), on the date shown below, to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

On December 12, 2007


Terrence N. Kuharchuk
Applicant's Agent

TO: **Mail Stop Appeal Brief - Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Attached hereto and transmitted herewith for filing are the following:

1. "Paper" in Response to Notification of Non-Compliant Appeal Brief dated November 16, 2007, pursuant to 37 C.F.R. 41.37;

- 1 -

DEC 12 2007

2. An authorization to charge any and all required fees in connection with the filing of this Paper to our Deposit Account No. 500748 in the name of Emery Jamieson LLP.

Respectfully submitted,
EMERY JAMIESON LLP



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On December 12, 2007


Terrence N. Kuharchuk
Applicant's Agent

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"PAPER" IN RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF (37 C.F.R. 41.37) DATED NOVEMBER 16, 2007

Sir:

This Paper is further to the Order Returning Undocketed Appeal to Examiner dated October 31, 2007. This Paper is also further to the Notification of Non-Compliant Appeal Brief dated November 16, 2007.

- 1 -

Please charge any and all required fees in connection with the filing of this Paper to our Deposit Account No. **500748**, in the name of Emery Jamieson I.I.P.

The Notification of Non-Compliant Appeal Brief identifies the following defects in the Appeal Brief filed by the Appellant on November 1, 2006:

1. the grounds of rejections section of the brief fails to list the proper 103(a) statute in the first and second ground of rejection; and
2. in the claims appendix, claim 1 contains phrases that were previously deleted in the amendment filed 01/11/06.

As a preliminary comment in response to the Notification of Non-Compliant Appeal Brief, it is respectfully noted that the Appellant's Brief filed on November 1, 2006 was substituted with a Substitute Appellant's Brief under 37 C.F.R.(b)(2) and 37 C.F.R. 41.37, which Substitute Appellant's Brief was filed on March 19, 2007.

As a result, it is respectfully submitted that only the Substitute Appellant's Brief filed on March 19, 2007 should be considered in determining the compliance of the Appellant's Brief with 37 C.F.R. 41.37.

1. Failure to List Proper Statute References in the Grounds of Appeal

With respect to the failure to list the proper statutory references in the Grounds of Rejection to be Reviewed on Appeal, the Appellant requests that the Substitute Appellant's Brief filed on March 19, 2007 be corrected by deleting Section 6 of the Substitute Appellant's Brief and by substituting the following in place thereof:

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Final Office Action dated April 4, 2006, the Examiner rejected independent Claim 1, dependent Claims 7-10, and dependent Claims 16-18 under

35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,729,569 (Muller et al) ("Ground 1").

In the Final Office Action dated April 4, 2006, the Examiner rejected independent Claim 1 and dependent Claims 2-17 under 35 U.S.C. 103(a) as being unpatentable over the Specification at pages 1-2 and/or the preamble of independent Claim 1, in view of U.S. Patent No. 2,462,596 (Bent) in view of U.S. Patent No. 4,703,937 (Chrzanowski), and rejected dependent Claims 4-6 and 12-15 as being unpatentable in view of U.S. Patent No. 4,210,405 (Jeswein) ("Ground 2").

In the Final Office Action dated April 4, 2006, the Examiner rejected dependent Claims 19-20 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,729,569 (Muller et al) in view of U.S. Patent No. 4,610,319 (Kalsi) ("Ground 3").

In the Final Office Action dated April 4, 2006, the Examiner also commented as follows:

- (a) U.S. Patent No. 4,610,319 (Kalsi), U.S. Patent No. 6,036,192 (Dietle et al), U.S. Patent No. 6,334,619 (Dietle et al) and U.S. Patent No. 6,382,634 (Dietle et al) (the "Kalsi and Dietle references") provide additional evidence of prior art seals used in drilling applications having seals with planar mating surfaces ("Examiner Comment 1");
- (b) U.S. Patent No. 4,729,569 (Muller et al), U.S. Patent No. 2,462,596 (Bent) and U.S. Patent No. 4,703,937 (Chrzanowski) teach that it is known to use a depression to reduce wear AND restrain movement between a seal and a housing ("Examiner Comment 2"); and

- (c) U.S. Patent No. 3,830,508 (Endicott) could be modified with these teachings, with the motivation being to reduce friction against the shaft when the seal is exposed to a high fluid pressure as well as restrain movement ("Examiner Comment 3").

In the Examiner's Answer dated January 24, 2007, the Examiner rejected independent Claim 1 and dependent Claims 2-17 under 35 U.S.C. 103(a) as being unpatentable over the Specification at pages 1-2 and/or the preamble of independent Claim 1, in view of U.S. Patent No. 2,462,596 (Bent) in view of U.S. Patent No. 4,703,937 (Chrzanowski), and in view of U.S. Patent No. 4,210,405 (Jesswein) ("Ground 4").

It is respectfully submitted that the above correction to the Substitute Appellant's Brief cures this defect in the Substitute Appellant's Brief.

2. Including Previously Deleted Phrases in Claim 1 in the Claims Appendix

As noted above, the Appellant's Brief filed on November 1, 2006 has been substituted with the Substituted Appellant's Brief filed on March 19, 2007.

The inclusion of the previously deleted phrases in Claim 1 in the Claims Appendix of the Appellant's Brief was noted by the Examiner in the Examiner's Answer dated January 24, 2007 as a defect in the Appellant's Brief (page 3 of the Examiner's Answer).

In the Substituted Appellant's Brief, the Appellant acknowledged this defect (Section 8, page 36 of the Substitute Appellant's Brief) and included a corrected Claims Appendix in the Substituted Appellant's Brief.

The corrected Claims Appendix which is included in the Substituted Appellant's Brief does not include the phrases in Claim 1 which were deleted in the Amendment filed on January 11, 2006.


It is therefore respectfully submitted that this defect which was noted in the Appellant's Brief filed on November 1, 2006, was corrected in the Substitute Appellant's Brief filed on March 19, 2007 and that no further correction is required.

Summary

It is respectfully submitted that the two defects in the Appellant's Brief filed on November 1, 2006 as noted in the Notification of Non-Compliant Appeal Brief dated November 16, 2007 have been corrected by: (1) corrected Section 6 of the Substituted Appellant's Brief which is included in this Paper; and (b) the corrected Claims Appendix which was included in the Substituted Appellant's Brief filed on March 19, 2007.

As a result, docketing and further consideration of this Appeal is respectfully requested.

Respectfully submitted,
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Dated December 12, 2007

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